

**Regular Meeting of the Roswell City Council**  
**Held in the Bassett Auditorium at the Roswell Museum and Arts Center**  
**Thursday, April 13, 2017 at 6:01 p.m.**

The meeting convened with Mayor Kintigh presiding and Councilors Henderson, Perry, Foster, Sandoval, Oropesa, Mackey, Sanchez, Best and Grant present; Councilor Denny participated by telephone. Councilor Sandoval led in the Pledge of Allegiance and Councilor Sanchez led in Prayer.

**Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 16-69.**

Councilor Sanchez moved to approve the agenda for the April 13, 2017 City Council meeting to include removing Item 4 – Mayor’s recommendation for City Manager, Item 5 – approval of contract for City Manager candidate (these items were approved at the Special City Council meeting on Friday, April 7, 2017), Item 8 – Proposed Ordinance 17-05 and Item 38 – Closed Session. All other items to keep the same number order and the remaining agenda as presented. Councilor Henderson was the second. A voice vote was 7-3 and the motion passed with Councilors Perry, Mackey and Denny voting no; Councilor Denny participated by telephone.

**NON-ACTION ITEMS**

Presentation – Roswell Police Department (RPD) staffing levels and recruitment. Deputy Chief Stanton discussed the staffing levels and recruitment stating that they made a recruitment trip to Fort Bliss. The purpose of the trip was to help find jobs for service men and women who would be finishing their military commitment within the next 18 months. As of April 10<sup>th</sup> RPD has received six applications as a result of the trip. Additional recruitment events include: NM Workforce job fair, Eastern New Mexico Spring job fair in Clovis and a New Mexico Military Institute Ethics and Recruitment class. RPD is currently short 16 sworn officers and three Police Service Aides.

Presentation – MainStreet Roswell Update. Mr. Morris introduced Kathy Lay, Director of MainStreet Roswell. Ms. Lay gave an update and discussed MainStreet projects, statistics and grant opportunities.

**PUBLIC PARTICIPATION ON AGENDA ITEMS**

Participants are mentioned on each item.

**PUBLIC HEARINGS**

El Caporal Mexican Kitchen – To hold a public hearing and vote on a restaurant beer and wine license with on premise consumption only for Application No. 1034680, El Caporal Mexican Kitchen, 1010 S. Main Street, Sp 2, Roswell, NM 88203. Councilor Sandoval moved to hold a public hearing and vote on a restaurant beer and wine license with on premise consumption only for Application No. 1034680, El Caporal Mexican Kitchen, 1010 S. Main, Sp 2, Roswell, NM 88203. Councilor Grant was the second. Mr. Holloman stated that the Quasi-judicial public hearing is to approve or deny if substantial evidence shows the following:

1. Proposed location is prohibited
2. Ordinance or zoning violation
3. Detrimental to: the issuance of a license would be detrimental to the public health, safety, or morals of the residents of the local option district

**OPPOSED: NONE**

**IN FAVOR: Javier Ledezma and Tom Jennings**

A roll call vote was as follows: Steve Henderson-yes, Jason Perry-no, Barry Foster-yes, Art Sandoval-yes, Juan Oropesa-yes, Natasha Mackey-yes, Savino Sanchez-no, Tabitha Denny-yes, Jeanine Best-yes, Caleb Grant-yes and the motion passed with Councilors Perry and Sanchez voting no and Councilor Denny participating by telephone.

Lemon Grass, Inc. – To hold a public hearing and vote on a restaurant beer and wine license with on premise consumption only for Application No. 1030119, Lemon Grass, Inc., 610 S. Main Street, Roswell, NM 88203. Councilor Sandoval moved to hold a public hearing and vote on a restaurant beer and wine license with on premise consumption only for Application No. 1030119, Lemon Grass, Inc., 610 S. Main Street, Roswell, NM 88203. Councilor Foster was the second. Mr. Holloman stated that the Quasi-judicial public hearing is to approve or deny if substantial evidence shows the following:

1. Proposed location is prohibited
2. Ordinance or zoning violation
3. Detrimental to: the issuance of a license would be detrimental to the public health, safety, or morals of the residents of the local option district.

**OPPOSED:** NONE

**IN FAVOR:** Yolanda Rodriguez

A roll call vote was as follows: Steve Henderson-yes, Jason Perry-yes, Barry Foster-yes, Art Sandoval-yes, Juan Oropesa-yes, Natasha Mackey-yes, Savino Sanchez-no, Tabitha Denny-yes, Jeanine Best-yes, Caleb Grant-yes and the motion passed with Councilor Sanchez voting no and Councilor Denny participating by telephone.

Proposed Ordinance 17-08 – Consider to hold a public hearing and vote on Proposed Ordinance 17-08 authorizing the issuance of the City's Convention Center Revenue Bond private placement with the New Mexico Finance Authority. Councilor Grant moved to hold a public hearing and vote on Proposed Ordinance 17-08 authorizing the issuance of the City's Convention Center Revenue Bond private placement with the New Mexico Finance Authority. Councilor Perry was the second. Ms. Garcia introduced Eric Harrigan to give a presentation on the revenue bond.

**OPPOSED:** NONE

**IN FAVOR:** NONE

A roll call vote was as follows: Steve Henderson-yes, Jason Perry-yes, Barry Foster-yes, Art Sandoval-yes, Juan Oropesa-yes, Natasha Mackey-no, Savino Sanchez-yes, Tabitha Denny-yes, Jeanine Best-yes, Caleb Grant-yes and the motion passed with Councilor Mackey voting no and Councilor Denny participating by telephone.

Appeal Hearing – Consider an appeal hearing for the following property and vote on whether to uphold the condemnation: 1014 S. Mulberry Ave, Johnson Lot 2 Blk 1 Fruitland Lot 17. Councilor Sanchez moved to consider an appeal hearing for 1014 S. Mulberry Ave. Councilor Grant was the second. Ms. Coll swore in the witnesses: Mike Mathews, Matt Miller and Miller Butts and the appellants: Vincent Romero and Misty Romero. Mr. Romero stated that the City does not have authority to inspect or regulate mobile homes, the State does. Mr. Holloman explained that the State gives the City authority to condemn buildings/structures according to the statute and called the witnesses to testify. Mr. Romero objected to the distribution of pictures for lack of consent on his property.

**FOR THE RECORD:** Mayor Kintigh called a recess at 7:01 p.m. The meeting reconvened at 7:04 p.m.



Mr. Holloman continued to question the witnesses. The witness's determination was that the structure at 1014 S. Mulberry Ave is dangerous and not safe for habitation. Mayor Kintigh called for a roll call vote on the appeal. A yes vote upholds the appeal and overturns the prior condemnation, a no vote rejects the appeal and confirms the condemnation. A roll call vote was as follows: Steve Henderson-no, Jason Perry-no, Barry Foster-no, Art Sandoval-yes, Juan Oropesa-yes, Natasha Mackey-yes, Savino Sanchez-yes, Tabitha Denny-no, Jeanine Best-no, Caleb Grant-yes and the motion tied. Mayor Kintigh voted yes and the condemnation was overturned with Councilor Denny participating by telephone. Councilors Perry and Best explained their votes.

**FOR THE RECORD:** Mayor Kintigh called a recess at 7:57 p.m. The meeting reconvened at 8:06 p.m.

## **CONSENT ITEMS**

### **Bids & RFP'S**

ITB-17-010 – Consider approval of award of ITB-17-010, Sewer Manhole Rehabilitation Project 2017 to Corrosion Resistant Coatings of Elephant Butte, NM in the amount of \$238,522.03.

RIAC Building 1083 – Consider approval to award and proceed with RIAC Building 1083, Dean Baldwin Hangar roof replacement to CES utilizing Waide Construction and Allen Roofing, a cooperative procurement process. The Dean Baldwin Hangar is in desperate need of repair. The total roof repair is \$4 million.

SRW17 and SMW18 – Consider award for repair of wells SRW17 and SMW18 utilizing the existing maintenance contract that Alpha Southwest was awarded by the Albuquerque Bernalillo County Water Utility Authority agreement #CCN2013-0143, RFP No. P2013000021. The total cost is \$179,498.90.

ITB-15-003 – Consider approval of the final (second) one year extension with Custom Construction for building demolition services. Each year funds are budgeted to remove dilapidated and dangerous buildings within the City limits and liens are placed on these properties for the cost of removal.

Forrest Tire – Consider approval to extend the contract with Forrest Tire for the final one year extension – RFP-11-008. Each department budgets funding for needed preventive maintenance and repairs to vehicles and equipment assigned to that department.

L.N. Curtis and Sons via GSA contract and Fire GPO contract – Consider approval of the purchase of specialized rescue equipment from L.N. Curtis and Sons via GSA contract (GS-07F-0327Y) and Fire GPO contract (VH11277). Equipment includes a 16' trailer with generator, lift bag kit, cylinders, support systems ect. The equipment is funded by a non-matching funds grant through the Department of Homeland Security. The amount requested to be approved is \$231,861.62.

New Mexico State Contract #70-000-16-00034AG – Consider approval of the purchase of a new 101' aerial apparatus via New Mexico State Contract #70-000-16-00034AG. The cost to purchase and outfit the apparatus is \$1,100,000.00. The funds are a combination of New Mexico State Fire Protection Grant (759,090.00), New Mexico Fire Grant Council (\$100,000.00), and City of Roswell General fund (240,910.09) monies. The fire department has carried over fire protection grant funding for many years, anticipating the replacement of this apparatus.

### **RIAC Leases**

Old Dog Brotherhood, Roswell Chapter – Consider approval to authorize Old Dog Brotherhood, Roswell Chapter, to renew their current lease agreement on Building No. 734. They lease the 2,484 square foot building for the

purpose of meetings and vehicle maintenance. The new rent amount is \$221 monthly; \$2,652 annually. The term is from May 1, 2017 through April 30, 2018.

Cliff Waide, an individual – Consider approval to authorize Cliff Waide, an individual, to renew his current lease agreement on “T” Hangar Building No. 120, Space 4. Cliff Waide leases the 1,175 square foot building for the purpose of aircraft storage and maintenance. The new rent amount is \$185 monthly; \$2,220 annually. The term is from May 1, 2017 through April 30, 2018.

AerSale, Inc. – Consider approval to authorize AerSale, Inc., a Florida Corporation, to amend their current lease agreement on Building No. 115 to allow for rent abatement in accordance with RIAC Rent Abatement Policy. AerSale, Inc. is requesting rent abatement in an amount not to exceed \$6,918.44 for replacement of 2 overhead doors, 2 electric operators with photo eyes and control stations on Building No. 115.

Sidney Gutierrez Middle School – Consider approval to authorize Sidney Gutierrez Middle School to exercise the first of two five year options for leased property at RIAC. The new rent amount is \$2,907 monthly; \$34,884 annually. The new lease term is from July 1, 2017 through June 30, 2022.

### **Resolutions**

Resolution 17-13 – Weeds – The Resolution shall mandate the cleanup of approximately twenty-four (24) separate properties within the City.

Resolution 17-14 – Condemnations – The Resolution shall require the removal or demolition of seven (7) dilapidated structures.

### **Lodgers’ Tax Request**

Kicker Arena Cross Show – Consider funding for the Kicker Arena Cross Show in the amount of up to \$6,000 on a reimbursement basis at 50% of eligible expenses. The Kicker Arena Cross Show is scheduled for June 3-4, 2017 at the Eastern New Mexico State Fairgrounds outdoor arena. The event is an off-road motorcycle race traveling series, which has competitors from states all over the southwest.

Bottomless Triathlon – Consider funding for the Bottomless Triathlon in the amount of up to \$2,000 on a reimbursement basis at 50% eligible expenses. The event is scheduled for July 8, 2017 at Bottomless Lakes State Park. The triathlon consist of swimming, bicycling and running.

### **Minutes**

March 9, 2017 Regular City Council meeting, March 20, 2017 Workshop, March 22, 2017 Workshop, March 23, 2017 Workshop and March 24, 2017 Special City Council meeting.

### **NEW BUSINESS/ REGULAR ITEMS**

Resolution 17-12 – Consider approval of Resolution 17-12 confirming the boundaries for MainStreet Roswell. Councilor Best moved to approve Resolution 17-12 confirming the boundaries for MainStreet Roswell. Councilor Sandoval was the second. Mr. Morris presented the boundaries and explained that the state requested the resolution to reduce any possible confusion about these boundaries. A voice vote was unanimous and the motion passed with Councilor Denny participating by telephone.

Resolution 17-15 – Consider approval of Resolution 17-15 a budget amendment for the 1<sup>st</sup> payment (debt service) and revenue and expense for Series 2017 Joint Utility Bond Smart Water Meter Project. Councilor Grant moved to approve Resolution 17-15 approval for a budget amendment for the 1<sup>st</sup> payment (debt service) and



revenue and expense for Series 2017 Joint Utility Bond Smart Water Meter Project. Councilor Sandoval was the second. Ms. Garcia discussed Resolution 17-15 stating that this is a housekeeping item. A voice vote was unanimous and the motion passed with Councilor Denny participating by telephone.

Resolution 17-16 – Consider approval of Resolution 17-16 borrowing \$500,000 from allocated project funding from Dean Baldwin to proceed with the design of the aquatics portion of the recreation center. Councilor Grant moved to approve Resolution 17-16 approval of borrowing \$500,000 from allocated project funding from Dean Baldwin to proceed with the design of the aquatics portion of the recreation center. Councilor Sandoval was the second. Ms. Garcia discussed Resolution 17-16. A voice vote was 8-2 and the motion passed with Councilors Perry and Oropesa voting no and Councilor Denny participating by telephone.

Resolution 17-17 – Consider funding and other operating factors to reopen Cahoon Pool for the 2017 summer season. Councilor Perry moved to approve Resolution 17-17 to consider funding and other operating factors to reopen Cahoon Pool for the 2017 summer season. Councilor Sandoval was the second. Mr. Najar and Ms. Stark Rankins discussed the condition, repairs and expenses of Cahoon Pool.

**IN FAVOR:** Richard Garcia, Gary Hartwick, Tom Jennings, Carol Slaughter

**OPPOSED:** Robert Stones

**COMMENT:** Larry Connolly, Robert Lynd

Councilor Oropesa moved to amend Resolution 17-17 as follows:

Red text = added language proposed

Strikeout = deletion of text

1. The Cahoon Park Pool shall be temporarily recommissioned and open for eight hours of public use for six days a week during the summer of 2017 **and any additional summer(s) until such time the Aquatic Center is complete and open for service, contingent upon City Council approval on a yearly basis** pursuant to all pertinent State and Federal regulations. No more than \$50,000 from the FY2017, Parks and Recreation budget **and an additional \$50,000 each FY thereafter,** may be expended ~~on in getting the pool ready and operating, including minimum necessary repairs, sufficient labor and additional staffing to ensure a safe recreation environment, and water.~~ **Allowable charges are identified in Table 1 (attached).**
2. Should the anticipation costs for operating the pool exceed the \$50,000 budgeted ~~and~~ **as** provided above or should the City be unable to identify an appropriate source of funding in the FY2017, Parks and Recreation budget **and an additional \$50,000 each FY thereafter,** ~~the pool will not be opened and if unanticipated charges are not covered in Table 1 arise, the City may opt to close the pool.~~
3. Should the above be met and the pool become operational but the operating expenses **identified in Table 1** exceed \$50,000 the pool ~~will~~ **may** be immediately closed for the remainder of the season **at the recommendation of staff with concurrence of the City Manager** unless an additional extra-municipal funding source **or other allowable source** can provide for the continued operations of the pool.
4. Effective ~~July 31, 2017~~ **the date the new aquatic center is complete and open for business,** the temporary recommissioning of the Cahoon Park Pool will end of its own terms, and the decommissioning as provided in Resolution 16-30 will be reinstated.

#### TABLE 1 – ALLOWABLE POOL CHARGES

1. Legal minimum number of life guards paid at a cost of \$10.00 per hour,
2. A supervisor to oversee the operations of the pool paid at a cost of \$12.00 per hour,
3. Chemicals and filter materials,
4. Incidentals up to \$5,000.00.
  - A. For example first aid kit(s), pool stand and umbrella etc.

Councilor Henderson was the second. A roll call vote was as follows: Steve Henderson-no, Jason Perry-no, Barry Foster-no, Art Sandoval-no, Juan Oropesa-yes, Natasha Mackey-yes, Savino Sanchez-no, Tabitha Denny-no, Jeanine Best-no, Caleb Grant-no and the motion failed with Councilors Henderson, Perry, Foster, Sandoval, Sanchez, Denny, Best and Grant voting no and Councilor Denny participating by telephone.

Councilor Henderson called to question. A roll call vote was as follows: Steve Henderson-yes, Jason Perry-yes, Barry Foster-yes, Art Sandoval-yes, Juan Oropesa-yes, Natasha Mackey-yes, Savino Sanchez-yes, Tabitha Denny-yes, Jeanine Best-yes, Caleb Grant-yes and the motion passed with Councilor Denny participating by telephone.

A roll call vote to approve Resolution 17-17 as originally presented was as follows: Steve Henderson-no, Jason Perry-no, Barry Foster-no, Art Sandoval-no, Juan Oropesa-yes, Natasha Mackey-yes, Savino Sanchez-no, Tabitha Denny-no, Jeanine Best-no, Caleb Grant-no and the motion failed with Councilors Henderson, Perry, Foster, Sandoval, Sanchez, Denny, Best and Grant voting no and Councilor Denny participating by telephone. Councilors Perry, Best and Foster explained their vote.

**FOR THE RECORD:** Mayor Kintigh called a recess at 9:40 p.m. The meeting reconvened at 9:45 p.m.

Mayor Pro Tem Election – Consider an election and vote for Mayor Pro Tem. Councilor Oropesa nominated Councilor Mackey for Mayor Pro Tem. Councilor Perry nominated Councilor Grant for Mayor Pro Tem. Councilor Sanchez has a self-nomination for Mayor Pro Tem. Councilor Perry stated that the role of Mayor Pro Tem is a crucial portion of the governing body. Mayor Kintigh gave the candidates an opportunity to speak.

A roll call vote was as follows: Barry Foster-Grant, Art Sandoval-Grant, Tabitha Denny-Grant, Caleb Grant-Grant, Natasha Mackey-Mackey, Juan Oropesa-Mackey, Savino Sanchez-Sanchez, Jeanine Best-Grant, Steve Henderson-Mackey and Jason Perry-Grant. Majority votes were for Councilor Grant with six votes. Councilor Denny thanked Councilor Sanchez for doing a great job as Mayor Pro Tem but wished to give Councilor Grant an opportunity. Councilor Grant also thanked Councilor Sanchez and thanked the majority council's support. Councilor Perry moved to approve Councilor Grant as Mayor Pro Tem. Councilor Mackey was the second. A voice vote was unanimous and the motion passed with Councilor Denny participating by telephone.

**FOR THE RECORD:** Councilor Oropesa stated that he is disappointed in the Mayors decision of keeping a Mayor Pro Tem as chair of a committee.

Consider approval of Mayor Kintigh's recommendations for the following committees:

CEMETERY BOARD (2 two year terms)

- Position 4 - Jeremy Hurley - partial term - ending 3/31/2018

ETZ COMMISSION (1 year term)

- Position 1 - Matthew Bristol - term ending 3/31/2017
- Position 2 - Larry Connolly - term ending 3/31/2017
- Position 3 - Mona Kirk - term ending 3/31/2017



#### PARKS AND RECREATION (2 four year terms)

- Position 1 - Maegan Sanders - partial term ending 3/31/2020
- Position 5 - Becky Joyce - partial term ending 3/31/2020

#### OCCUPANCY TAX BOARD (2 four year terms)

- Position 1 (Lodging) - Roxanne Slayton - first term 4/1/2017 to 3/31/2021

Councilor Sanchez moved to approve Mayor Kintigh's nominations for the commission and board positions as presented. Councilor Sandoval was the second. Councilor Foster moved to amend the recommendations to reflect the power point slides. Councilor Grant was the second. A voice vote was unanimous and the motion passed with Councilor Denny participating by telephone. A voice vote to approve the amended nominations was unanimous and the motion passed with Councilor Denny participating by telephone.

Consider approval of the Audited Financial Statements for Fiscal Year Ending June 30, 2016. Councilor Grant moved to approve the Audited Financial Statements for Fiscal Year Ending June 30, 2016. Councilor Henderson was the second. Councilor Grant stated there was one correction needing to be made to the list of Councilors. Ms. Garcia discussed the request stating that the State of New Mexico Audit Rule requires that the final audit report and financial statement be presented and accepted by the governing authority at a public meeting. Mr. Holloman explained that the City will work with the State on getting the appropriate audit submitted which would replace Councilor Elena Velasquez with Councilor Barry Foster on the list of Councilors. A voice vote was unanimous and the motion passed with Councilor Denny participating by telephone.

Proposed Ordinance 17-09 – Consider approval of Proposed Ordinance 17-09 to advertise to hold a public hearing and vote on Proposed Ordinance 17-09 which amends section 6-11 of the Roswell City Code adopting the 2015 building codes. Councilor Sandoval moved to approve to advertise to hold a public hearing and vote on Proposed Ordinance 17-09 which amends section 6-11 of the Roswell City Code adopting the 2015 building codes. Councilor Foster was the second. Mr. Mathews discussed the proposed ordinance stating that effective November 15, 2016 the State of New Mexico adopted new building codes giving jurisdictions until July 1, 2017 to adopt these building codes and issue permits under the new code. A voice vote was unanimous and the motion passed with Councilor Denny participating by telephone.

Proposed Ordinance 17-10 – Consider approving advertisement for a public hearing and vote on Proposed Ordinance 17-10 allowing poultry to be raised within City limits. Councilor Perry moved to approved to advertise for a public hearing and vote on Proposed Ordinance 17-10 allowing poultry to be raised within City limits. Councilor Foster was the second. Mr. Holloman discussed the proposed ordinance stating that currently, chickens and other egg-laying fowl are prohibited from being kept in City limits. The City Code could be amended to permit keeping a small number of female fowl (i.e. no roosters) subject to certain conditions related to cleanliness and safety. The ordinance as drafted provides for a limit on the number of fowl based on lot sizes, and relies on other existing sections of the City Code to address questions of animal cruelty and animal nuisance, including sanitary housing conditions. A voice vote was 8-2 and the motion passed with Councilors Henderson and Sanchez voting no and Councilor Denny participating by telephone.

Memory Lawn Cemetery – Consider the acquisition of Memory Lawn Cemetery as described as Option C. Additionally, consider the minimal maintenance concept for care of the cemetery. Any decision must also be reviewed and concurred by the court charged with Memory Lawn. Councilor Best moved to consider the acquisition of Memory Lawn Cemetery as described as Option C. Councilor Sandoval was the second. Mr. Najar discussed the condition, costs, liabilities and responsibilities to maintain Memory Lawn Cemetery.

**PUBLIC PARTICIPATION:** Darrel Bethany, Joan Park and Tom Jennings

A roll call vote was as follows: Steve Henderson-no, Jason Perry-yes, Barry Foster-no, Art Sandoval-yes, Juan Oropesa-no, Natasha Mackey-no, Savino Sanchez-no, Tabitha Denny-no, Jeanine Best-yes, Caleb Grant-yes and the motion failed with Councilors Henderson, Foster, Oropesa, Mackey, Sanchez and Denny voting no and Councilor Denny participating by telephone.

Consider funding of Lodgers' Tax for the Desert Sun Charity Golf Championship in the amount of \$1,700. Councilor Grant moved to approved funding of Lodgers' Tax for the Desert Sun Charity Golf Championship in the amount of \$1,700. Councilor Foster was the second. Ms. Jennings discussed request stating that the event is scheduled for July 21-23, 2017 at the Nancy Lopez Golf Course at Spring River. Councilor Grant moved to amend the request from the amount of \$1,700 to \$4,100. Councilor Foster was the second. A voice vote was 7-1 and the motion passed with Councilors Perry and Henderson recusing; Councilor Sanchez voting no; Councilor Denny participated by telephone. A voice vote to adopt the amended Lodgers' Tax for the Desert Sun Charity Golf Championship in the amount of \$4,100 was 7-1 and the motion passed with Councilor Perry and Henderson recusing; Councilor Sanchez voting no; Councilor Denny participated by telephone.

**PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

Nathan Richburg discussed Code Enforcement electrical permit rules. Tom Jennings discussed accessibility for the disabled and impaired.

**ADJOURNMENT**

Meeting adjourned at 11:10 p.m.

**Approved on this 11<sup>th</sup> day of May, 2017.**

(City Seal)



SHARON COLL, CITY CLERK

  
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DENNIS KINTIGH, MAYOR